

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

KARL LYNN MCGEE a/k/a KARL  
SHACKELFORD,

Plaintiff,

V.

OFFICER HAYDEN, et al.,

Defendants.

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Case No. 6:23-cv-205-JDK-KNM

## ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Karl Lynn McGee, proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. Plaintiff originally filed his case in the Northern District of Texas. That court transferred the case to this Court in April 2023. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636.

On May 31, 2023, Judge Mitchell issued a Report and Recommendation recommending that the Court dismiss this case with prejudice until Plaintiff satisfy all sanctions imposed upon him by any federal court, specifically including outstanding sanctions by the Northern and Eastern Districts of Texas. Docket No. 5. Plaintiff filed objections. Docket No. 6.


Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire

record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Plaintiff's objections appear to argue that he filed this case in the Northern District of Texas and it should have been left there, he is indigent, and he objected to the sanctions. His objections do not show any basis to set aside the Magistrate Judge's Report. Plaintiff's sanctions were imposed due to his abusive litigation history, and it is well established that "no one, rich or poor, is entitled to abuse the judicial process." *Hardwick v. Brinson*, 523 F.2d 798, 800 (5th Cir. 1975).

Having conducted a de novo review of the record in this case and the Magistrate Judge's Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 5) as the opinion of the District Court. Plaintiff's claims are **DISMISSED** with prejudice as long as any outstanding sanctions remain unpaid and without prejudice as to refile after Plaintiff provides proof that he has satisfied all sanctions imposed upon him by any federal court.

So **ORDERED** and **SIGNED** this **17th** day of **October, 2023**.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE